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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 10-00352 PJH
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	PROTECTIVE ORDER RE
v.	)	DISCOVERY OF PERSONAL AND
	)	FINANCIAL INFORMATION
TAE SON LEE (a/k/a Mike Lee),	)	
JONG MOON CHOI (a/k/a Peter Choi),	)	
and	)	
KWANG IL SONG (a/k/a Daniel Song),	)	
	)	
Defendants.	)	

With the agreement of the parties, and with the consent of the defendants, the Court enters the following order:

1. The defendants are charged with conspiracy, in violation of 18 U.S.C. § 371, tax evasion, in violation of 26 U.S.C. § 7201, and structuring, in violation of 31 U.S.C. § 5324(a)(3).

2. Pursuant to the government's discovery obligations and, as indicated during the parties' last appearance before the Court on June 29, 2010, the government has agreed to provide and/or make available for inspection discovery materials in accordance with a mutually agreed upon schedule.

1           3.       Due to the nature of the case, the discovery contains personal identifying  
2 information, including social security numbers and birth dates, and other private financial  
3 information. Due to the volume and type of discovery materials, much of this information  
4 is not easily redactable. The defense acknowledges their responsibilities under Fed. R.  
5 Civ. P. 5.2 or Fed. R. Crim. P. 49.1 and will redact discovery containing personal  
6 identifying information before filing it with the Court, or sharing it with third parties who  
7 are not signatories to this protective order.

8           4.       The contemplated discovery materials, which may include grand jury  
9 transcripts and attachments thereto, also contain information relating to matters that  
10 occurred before the grand jury. Rule 6(e)(3)(E)(I) of the Federal Rules of Criminal  
11 Procedure permits the Court to "authorize the disclosure . . . of a grand-jury matter  
12 preliminarily to or in connection with a judicial proceeding . . . ." Here, the defendants  
13 may appropriately receive the discovery materials and may require information contained  
14 therein to adequately prepare and assess their respective cases. Disclosure, subject to the  
15 restrictions delineated in Paragraph 6, below, is therefore appropriate so that the United  
16 States may fulfill its discovery obligations.

17           5.       The defendants agree to waive any privacy rights they may have as to the  
18 disclosure of their personal information, as it may be contained in the discovery materials,  
19 to the other defendants in this action.

20           6.       The parties agree and request that the Court subject disclosure of discovery  
21 materials provided to the defendants to the following restrictions:

22               a.       The defendants recognize that the documents and information  
23 provided in discovery shall be used only to prepare and evaluate the defense in this  
24 proceeding and agree to take appropriate steps, consistent with their obligations to  
25 present a defense, to protect the privacy rights of third parties, who are not defendants  
26 in this action.

27               b.       As noted above, any pleadings that reveal the personal identifying or  
28 private financial information of third parties, shall either be filed in accordance

with Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1 or shall be redacted to prevent the disclosure of such information or filed under seal. In the case of the filing of such a sealed pleading, the parties agree to provide each other with copies of the pleading filed under seal.

c. Any person to whom the documents or information are disclosed shall be provided with a copy of this Stipulation and Order and all parties shall maintain records of all persons to whom disclosure has been made following the date of entry of this Stipulation and Order.

7. Within ten court days of the conclusion of this matter, the government may request the defense return or destroy all materials provided to defense counsel pursuant to this Order, and all other authorized copies. The defense shall either comply with the government's request or seek authorization from the District Court within thirty days of such request if the defense desires to retain the material.

**So stipulated.**

DATED: July 23, 2010

/s/  
 MARTIN A. SCHAINBAUM, Esq.  
 BRYANT W.H. SMITH, Esq.  
 Attorneys for Defendant Tae Son Lee

**So stipulated.**

DATED: July 23, 2010

/s/  
 ANGELA HANSEN, Esq.  
 Assistant Federal Public Defender  
 Attorney for Defendant Jong Moon Choi

**So stipulated.**

DATED: July 23, 2010

/s/  
 CHRISTOPHER J. CANNON, Esq.  
 Sugarman & Cannon  
 Attorney for Defendant Kwang Il Song

**So stipulated.**

DATED: July 23, 2010

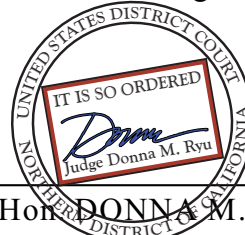
JOSEPH P. RUSSONIELLO  
 United States Attorney

/s/  
 ANDREW S. HUANG  
 Assistant United States Attorney

**~~[PROPOSED]~~ ORDER**

Based on the stipulation of the parties and for good cause shown, IT IS SO ORDERED that disclosure of the above-described discovery materials shall be restricted as set forth above in the parties' stipulation. IT IS FURTHER ORDERED that the United States is permitted to disclose to the defendants matters occurring before the grand jury as contained in the discovery materials.

DATED: 7/26/2010



Hon. **DONNA M. RYU**  
United States Magistrate Judge